

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEVON DANTE HARRIS, JR.,

Plaintiff,

v.

USA, et al.,

Defendants.

No. 1:20-cv-00007-NONE-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
ACTION AND DIRECTING THE CLERK OF
COURT TO ASSIGN A DISTRICT JUDGE
TO THIS CASE FOR THE PURPOSE OF
CLOSING THE CASE AND THEN TO
CLOSE THIS CASE

(Doc. Nos. 17, 19)

Devon Dante Harris, Jr. (“plaintiff”), is a state prisoner proceeding *pro se* and *in forma pauperis* in this action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 17, 2020, the assigned magistrate judge entered findings and recommendations, recommending that “[t]his action be dismissed,” and that “[t]he Clerk of Court be directed to close this case.” (Doc. No. 19 at 6.) The magistrate judge specifically recommended that the action be dismissed without further leave to amend because the court had identified the deficiencies in plaintiff’s allegations in its first screening order, provided him with the relevant standards, and afforded him an opportunity to amend his complaint. (*See id.*) Plaintiff thereafter amended his complaint but failed to cure the deficiencies identified in the screening order. (*See id.*) Moreover, given that the claims plaintiff appears to be attempting to

1 advance are barred by absolute judicial immunity, the magistrate judge reasoned that the granting
2 of further leave to amend would be futile. (*Id.*)

3 Plaintiff was provided an opportunity to file objections to the findings and
4 recommendations. The deadline to file objections has passed, and plaintiff has not filed
5 objections or otherwise responded to the findings and recommendations.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
7 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
8 magistrate judge's findings and recommendations are supported by the record and by proper
9 analysis.

10 Accordingly,

- 11 1. The findings and recommendations issued on November 17, 2020, (Doc. No. 19),
12 are adopted in full;
- 13 2. This action is dismissed; and
- 14 3. The Clerk of Court is directed to assign a district judge to this case for the purpose
15 of closing the case and then to close this case.

16 IT IS SO ORDERED.

17 Dated: **January 13, 2021**

18 
UNITED STATES DISTRICT JUDGE